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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRANDT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2617	
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			09/24/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/500,591	<b>Applicant(s)</b> SAKODA, KAZUYUKI	
	<b>Examiner</b> CHRISTOPHER M. BRANDT	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36,52-87,103-138 and 154 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36,52-87,103-138 and 154 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/1/05, 8/29/07, 7/16/08</u> .                                | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Election/Restrictions***

**Claims 37-51, 88-102, 139-153, and 155** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 9, 2008.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 USC 119(a)-(d), which papers have been placed of record in the application file.

### ***Information Disclosure Statement***

The information disclosure statements submitted on June 1, 2005, August 29, 2007, and July 16, 2008 have been considered by the examiner and made of record in the application file.

### ***Drawings***

Figures 31-38 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 2** recites the limitation "the location station" in line 3. There is insufficient antecedent basis for this limitation in the claim.

**Claim 52** recites the limitation "the location station" in line 9. There is insufficient antecedent basis for this limitation in the claim.

**Claim 103** recites the limitation "the location station" in line 7. There is insufficient antecedent basis for this limitation in the claim.

**Claim 154** recites the limitation "the location station" in line 9. There is insufficient antecedent basis for this limitation in the claim.

**Claim 52 (and its dependents)** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider **claim 52**. The phrase "distributed type" renders the claims indefinite because the addition of the word "type" to an otherwise definite expression (e.g., distributed communication environment) extends the scope of the expression so as to render it indefinite (*Ex parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955)). See MPEP §2173.05(b).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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**Claim 154** are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory matter under 35 USC 101.

**Claim 154** claims the non-statutory subject matter of a program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs (i.e., carrier medium) are not tangibly embodied in a physical medium and encoded on a computer-readable medium, the Applicants have not complied with 35 USC 101.

The Examiner suggests changing claim 154, from “A computer program written in the form of a computer readable format” to “Computer readable medium encoded with a computer program”.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**Claims 1-4, 6-14, 16, 18-21, 24-26, 28-32, 34-36, 52-55, 57-65, 67, 69-72, 75-77, 79-83, 85-87, 103-106, 108-116, 118, 120-123, 126-128, 130-134, 136-38, and 154** are rejected under 35 USC 102(e) as being anticipated by **Benveniste (US PG PUB 2003/0174690 A1)**.

Consider **claim 52 (and as applied to claims 1, 103, and 154)**. Benveniste discloses a wireless communication apparatus operating decentralized distributed type communication environment constructed such that respective communication stations transmit beacons indicative of information concerning a network with each other at a predetermined time space (paragraph 80) comprising:

communication means for transmitting and receiving wireless data (paragraph 20, read as mobile station communicating with other stations);

beacon signal generating means for generating a beacon signal indicative of information concerning the local station (paragraph 19, 73, read as the mobile station that starts the wireless LAN cell will begin by resetting its TSF timer to zero and transmitting a beacon packet, choosing a beacon period);

beacon signal analyzing means for analyzing a beacon signal received from a neighboring station by said communicating means (paragraph 73, read as each station receiving the timing packet updates its SF clock if the received timestamp is later than the current value of the clock; and

timing control means for controlling a beacon transmission timing at which said communication means transmits beacons (paragraph 73, read as all stations in an IBSS cell prepare to transmit a beacon frame packet at a target beacon transmission time (TBTT). Each

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station prepares its beacon packet to contain the superframe timestamp value. Each station selects a random delay when it is to transmit its superframe timestamp value).

Consider **claim 53 and as applied to claim 52 (and similarly applied to claims 2 and 104)**. Benveniste discloses wherein said information concerning the network written in the beacon generated from said beacon signal generating means is information indicating whether or not the local station is aware of a time at which a beacon signal is transmitted (paragraph 73).

Consider **claim 54 and as applied to claim 52 (and similarly applied to claims 3 and 105)**. Benveniste discloses wherein said timing control means transmits a beacon signal at a predetermined time space when a communication station joins a network (paragraphs 18, 22).

Consider **claim 55 and as applied to claim 54 (and similarly applied to claims 4 and 106)**. Benveniste discloses wherein said communication means performs reception continuously over a time period longer than its own beacon transmission interval at least once at a predetermined time (paragraphs 38, 73).

Consider **claim 57 and as applied to claim 53 (and similarly applied to claims 6 and 108)**. Benveniste discloses wherein said information indicating whether or not the local station is aware of a time at which a beacon signal is transmitted is information indicated by a relative time between said time and a time at which the local station transmits a beacon signal (paragraphs 19, 53).

Consider **claim 58 and as applied to claim 53 (and similarly applied to claims 7 and 109)**. Benveniste discloses disclose wherein each of said timing control means determines a

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beacon transmission time based on information obtained from a beacon signal, analyzed by said beacon signal analyzing means, from other station (paragraph 73).

Consider **claim 59 and as applied to claim 58 (and similarly applied to claims 8 and 110)** Benveniste discloses wherein said timing control means continues to receive a beacon from said communication means over a predetermined time period before starting transmitting a new beacon, it holds reception time information of a received beacon transmitted from other station as first information and it shifts information described in said received beacon indicating whether or not the local station is aware of a time at which a beacon signal is transmitted based upon said information and it holds the shifted information as second information (paragraphs 19, 53, 73).

Consider **claim 60 and as applied to claim 59 (and similarly applied to claims 9 and 111).** Benveniste discloses wherein said communication station extracts a reception time of a beacon, which the local station or the local station and other station can receive, from said second information, it determines an interval in which a beacon reception time space becomes a maximum beacon space as a target interval and it sets a beacon transmission time of the local station to a central time of said target interval (paragraphs 73, 78).

Consider **claim 61 and as applied to claim 60 (and similarly applied to claims 10 and 112).** Benveniste discloses wherein said timing control means attempts to receive a signal transmitted from other station by said communication means during a predetermined time period and it holds a time zone with a small frequency at which a beacon and other signal are received as third information (paragraph 74).



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Consider **claim 62 and as applied to claim 61 (and similarly applied to claims 11 and 113)**. Benveniste discloses wherein said timing control means extracts each beacon space information, it determines an interval corresponding to a time zone with a small frequency at which a signal obtained from said third information as a target interval and it sets a beacon transmission time of the local station to a central time of said target interval (paragraphs 73, 74).

Consider **claim 63 and as applied to claim 58 (and similarly applied to claims 12 and 114)**. Benveniste discloses wherein said timing control means determines a new beacon transmission time if said beacon signal analyzing means judges a beacon transmission time alteration request message from other station (paragraph 21).

Consider **claim 64 and as applied to claim 52 (and similarly applied to claims 13 and 115)**. Benveniste discloses wherein said information concerning the network described in a beacon generated from said beacon signal generating means is information indicating whether or not the local station is aware of a time at which a received beacon signal is transmitted (paragraphs 19, 53, 73).

Consider **claim 65 and as applied to claim 64 (and similarly applied to claims 14 and 116)**. Benveniste discloses wherein said information indicative of whether or not the local station is aware of a time at which a received beacon signal is transmitted is information indicated by a relative time between said time and a transmission time of a beacon signal from the local station (paragraph 73).

Consider **claim 67 and as applied to claim 52 (and similarly applied to claims 16 and 118)**. Benveniste discloses wherein said timing control means delays said transmission time of a

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beacon signal transmitted from a communication station within said network from a predetermined target beacon transmission time by a random time and said beacon signal generating means describes information indicative of a delayed amount in said beacon (paragraphs 19, 67, 73, 76).

Consider **claim 69 and as applied to claim 67 (and similarly applied to claims 18 and 120)**. Benveniste discloses wherein when said communication means receives a beacon from other communication station, said timing control means calculates a target beacon transmission time from a beacon reception time in consideration of a time indicative of said delay amount (paragraphs 19, 67, 73, 76, read as target beacon transmission time (TBTT)).

Consider **claim 70 and as applied to claim 69 (and similarly applied to claims 19 and 121)**. Benveniste discloses wherein said communication station adjusts a clock of the local station in accordance with a timing of other station when a neighboring station target beacon transmission time predicted from the clock value memorized in the local station and a target beacon transmission time of a beacon transmission station which results from subtracting a time at which a beacon was received in actual practice and an intentionally delayed beacon transmission time described in a beacon are different from each other (paragraphs 19, 67, 73, 76, read as target beacon transmission time (TBTT)).

Consider **claim 71 and as applied to claim 70 (and similarly applied to claims 20 and 122)**. Benveniste discloses wherein said communication station adjusts a clock of the local station in accordance with a timing of other station when the target beacon transmission time of

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the beacon transmission station is delayed from the target beacon transmission time predicted by the local station (paragraph 73).

Consider **claim 72 and as applied to claim 67 (and similarly applied to claims 21 and 123)**. Benveniste discloses disclose wherein said beacon signal generating means describes a delay amount of a beacon transmission time in said beacon if said beacon transmission time is delayed due to an external primary factor when it transmits a beacon under control of said timing control means (paragraphs 19, 22, 26, 73).

Consider **claim 75 and as applied to claim 52 (and similarly applied to claims 24 and 126)**. Benveniste discloses wherein said timing control means sets a predetermined time period in which a beacon transmission station can transmit a packet with a priority after said communication means has transmitted said beacon signal (paragraphs 24-26, 28, 38).

Consider **claim 76 and as applied to claim 75 (and similarly applied to claims 25 and 127)**. Benveniste discloses wherein said communication station sets a time period in which each communication station performs transmission based upon predetermined contention control after said predetermined time period in which said beacon transmission station can transmit a packet with a priority has expired (paragraphs 24-26, 28, 38).

Consider **claim 77 and as applied to claim 76 (and similarly applied to claims 26 and 128)**. Benveniste discloses wherein said communication station which communicates with said beacon transmission station can transmit a packet with a priority at said predetermined time period in which said beacon transmission station can transmit a packet with a priority (paragraphs 24-26).

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Consider **claim 79 and as applied to claim 75 (and similarly applied to claims 28 and 130)**. Benveniste discloses wherein said timing control means recognizes the state in which it does not receive a signal from other station over a predetermined period calculated by a predetermined procedure before the local station transmits a packet and it sets said predetermined period to be short during a predetermined time period in which it can transmit a packet with a priority (paragraphs 24-26, 73).

Consider **claim 80 and as applied to claim 79 (and similarly applied to claims 29 and 131)**. Benveniste discloses wherein said timing control means recognizes the state in which it does not receive a signal from other station over a predetermined period calculated by a predetermined procedure before the local station transmits a packet and it sets said predetermined period to be long only during said predetermined time period immediately after it received a beacon from other station (paragraphs 19, 53, 73).

Consider **claim 81 and as applied to claim 79 (and similarly applied to claims 30 and 132)**. Benveniste discloses wherein each of said communication stations transmits a transmission request signal and recognizes reception of a response to said transmission request signal before said communication means transmits a signal (paragraph 73).

Consider **claim 82 and as applied to claim 81 (and similarly applied to claims 31 and 133)**. Benveniste discloses wherein each of said communication stations does not carry out virtual carrier sense when it received the transmission request signal correctly and it carries out virtual carrier sense when it received the response to said transmission request signal correctly (paragraphs 29, 35).

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Consider **claim 83 and as applied to claim 79 (and similarly applied to claims 32 and 134)**. Benveniste discloses wherein it is determined by said communication station whether or not a media is clear over a time period corresponding to a stipulated maximum signal length before transmission when it attempts to transmit a beacon signal immediately after it is changed from the sleep state to the active state (paragraphs 42, 73, 80).

Consider **claim 85 and as applied to claim 75 (and similarly applied to claims 34 and 136)**. Benveniste discloses wherein said timing control means, which received a stream traffic transmission request, extracts a plurality of intervals in which a beacon is not transmitted and it transmits a beacon or a signal similar to the beacon in said plurality of extracted intervals (paragraphs 39, 73, 74).

Consider **claim 86 and as applied to claim 85 (and similarly applied to claims 35 and 137)**. Benveniste discloses wherein said communication station transmits said signal similar to said beacon continuously or intermittently (paragraphs 39, 73).

Consider **claim 87 and as applied to claim 85 (and similarly applied to claims 36 and 138)**. Benveniste discloses wherein each of said communication stations recognizes the state in which it does not receive a signal from other station over a predetermined period calculated by a predetermined procedure before the local station transmits a packet and it sets said predetermined period to be short during a predetermined time period in which it can transmit a packet with a priority (paragraphs 24-26, 28, 38, 73, 74).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 5, 15, 17, 22, 23, 27, 56, 66, 68, 73, 74, 78, 107, 117, 119, 124, 125, 129** are rejected under 35 USC 103(a) as being unpatentable over **Benveniste (US PG PUB 2003/0174690 A1)** in view of **Khun-Jush et al. (US PG PUB 2005/0054294 A1, hereinafter Khun-Jush)**.

Consider **claim 56 and as applied to claim 53 (and similarly applied to claims 5 and 107)**. Benveniste discloses wherein said beacon signal generating means, which became aware of approach of a time at which other station plans to transmit a beacon with reference to a clock value memorized in the local station (paragraph 73).

Benveniste fails to explicitly teach transmitting information for prohibiting a neighboring station from transmitting data over a predetermined period and it energizes said communication means to transmit said beacon.

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However, Khun-Jush teaches transmitting information for prohibiting a neighboring station from transmitting data over a predetermined period and it energizes said communication means to transmit said beacon (paragraphs 8, 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Khun-Jush into the invention of Benveniste in order to detect foreign transmissions (paragraph 21, read as transmitting a message to other nodes in the system, which message is a message pre-defined within the system as a message prohibiting all nodes from transmitting during a certain interval).

Consider **claim 66 and as applied to claim 64 (and similarly applied to claims 15 and 117)**. Benveniste discloses the claimed invention but fails to explicitly teach wherein said specific time zone in which said beacon signal is transmitted is set to a transmission prohibit interval by information described in the beacon generated from said beacon signal generating means.

However, Khun-Jush teaches wherein said specific time zone in which said beacon signal is transmitted is set to a transmission prohibit interval by information described in the beacon generated from said beacon signal generating means (paragraphs 8, 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Khun-Jush into the invention of Benveniste in order to detect foreign transmissions (paragraph 21, read as transmitting a message to other nodes in the system, which message is a message pre-defined within the system as a message prohibiting all nodes from transmitting during a certain interval).

Consider **claim 68 and as applied to claim 67 (and similarly applied to claims 17 and 119)**. Benveniste discloses wherein said beacon signal generating means, which became aware of approach of a time at which other station plans to transmit a beacon with reference to a clock value memorized in the local station (paragraph 73)

Benveniste fails to explicitly teach adding information for prohibiting a neighboring station from transmitting data over a predetermined period to a beacon and it energizes said communication means to transmit said resultant information.

However, Khun-Jush teaches adding information for prohibiting a neighboring station from transmitting data over a predetermined period to a beacon and it energizes said communication means to transmit said resultant information (paragraphs 8, 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Khun-Jush into the invention of Benveniste in order to detect foreign transmissions (paragraph 21, read as transmitting a message to other nodes in the system, which message is a message pre-defined within the system as a message prohibiting all nodes from transmitting during a certain interval).

Consider **claim 73 and as applied to claim 67 (and similarly applied to claims 22 and 124)**. Benveniste discloses the claimed invention but fails to explicitly teach wherein said random time with which the beacon transmission time is delayed from the target beacon transmission time is given in the form of a pseudorandom sequence and the state of said pseudorandom sequence is transmitted as information indicative of a delay amount described in said beacon.



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However, Khun-Jush teaches wherein said random time with which the beacon transmission time is delayed from the target beacon transmission time is given in the form of a pseudorandom sequence and the state of said pseudorandom sequence is transmitted as information indicative of a delay amount described in said beacon (paragraphs 53, 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Khun-Jush into the invention of Benveniste in order to prevent multiple quiet time indications in an beacon causing unnecessary overhead (paragraph 53).

Consider **claim 74 and as applied to claim 73 (and similarly applied to claims 23 and 125)**. Benveniste and Khun-Jush disclose wherein said timing control means holds the state of said pseudorandom sequence described in said beacon and it calculates the next beacon transmission time of said beacon transmission station by updating a pseudorandom sequence value of every predetermined period (Khun-Jush; paragraphs 53, 54).

Consider **claim 78 and as applied to claim 75 (and similarly applied to claims 27 and 129)**. Benveniste discloses wherein said communication station, which became aware of approach of a time at which other station plans to transmit a beacon with reference to a clock value memorized in the local station (paragraph 73).

Benveniste fails to teach transmitting information for prohibiting a neighboring station from transmitting data over a predetermined period.

However, Khun-Jush teaches transmitting information for prohibiting a neighboring station from transmitting data over a predetermined period (paragraphs 8, 23).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Khun-Jush into the invention of Benveniste in order to detect foreign transmissions (paragraph 21, read as transmitting a message to other nodes in the system, which message is a message pre-defined within the system as a message prohibiting all nodes from transmitting during a certain interval).

**Claims 33, 84, and 135** are rejected under 35 USC 103(a) as being unpatentable over **Benveniste (US PGPUB 2003/0174690 A1)** in view of **Gubbi (US Patent 6,934,752 B1)**.

Consider **claim 84 and as applied to claim 79 (and similarly applied to claims 33 and 135)**. Benveniste discloses the claimed invention but fails to explicitly teach wherein said communication station adds a preamble of a unique word to the beginning of a packet transmitted from said communication means and it also adds a mid-amble of a similar unique word to every constant payload length.

However, Gubbi teaches wherein said communication station adds a preamble of a unique word to the beginning of a packet transmitted from said communication means and it also adds a mid-amble of a similar unique word to every constant payload length (column 3 lines 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Gubbi into the invention of Benveniste in order to synchronize pseudo-random (PN) generators of the transmitter and the receiver (column 3 lines 50-60).

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### **Conclusion**

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses** should be brought to

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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Brandt whose telephone number is (571) 270-1098.

The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Christopher M. Brandt

C.M.B./cmb

September 17, 2008

/George Eng/

Supervisory Patent Examiner, Art Unit 2617